

## UNITED STATES DISTRICT COURT

## DISTRICT OF NEVADA

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APRIL ADEMILUYI,

Case No. 2:14-cv-00507-MMD-CWH

Plaintiff,

## ORDER

v.

DAVID PHILLIPS,

(Plf's Emergency Motion for Writ of  
Mandamus – dkt. no. 106)

Defendant.

Before the Court is Plaintiff April Ademiluyi's Emergency Motion for Writ of Mandamus ("Emergency Motion"). (Dkt. no. 106.) For the reasons set out below, the Emergency Motion is denied.

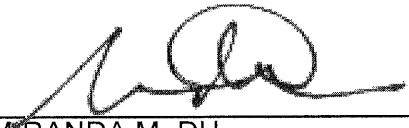
On August 14, 2014, Plaintiff filed a Motion for Recusal of Magistrate Judge Carl W. Hoffman ("Motion for Recusal"). (Dkt. no. 94.) The Motion for Recusal was fully briefed and ripe on August 28, 2014. (Dkt. no. 103.) Plaintiff filed the Emergency Motion on September 7, 2014. (Dkt. no. 106.) The Emergency Motion asks this Court to prohibit Judge Hoffman from entering any further orders in this action and decide the Motion for Recusal, or direct Judge Hoffman to decide the Motion for Recusal. (*Id.* at 10.)

The Emergency Motion is premature. The Motion for Recusal has been ripe for less than two weeks. Plaintiff brings this Emergency Motion a mere ten (10) days after filing her reply in further support of the Motion for Recusal. (Dkt. no. 106.) Plaintiff has not demonstrated an emergency that warrants this Court's interference, especially where, as here, the Motion to Recuse has only been pending for a brief time. In the normal course of this proceeding, Judge Hoffman will have an opportunity to address the

1 Motion for Recusal and Plaintiff will have an opportunity to ask this Court to review  
2 Judge Hoffman's decision. The Emergency Motion and the record do not give the Court  
3 any indication that Judge Hoffman is taking an unduly long time in making his decision.  
4 Judge Hoffman has only entered one order since the Motion for Recusal was fully  
5 briefed, and that is an order denying a motion to extend time regarding discovery. (Dkt.  
6 no. 105.) To the extent that Plaintiff takes issue with that order, there are a variety of  
7 procedural options available for challenging it.

8 It is hereby ordered that Plaintiff's Emergency Motion (dkt. no. 106) is denied.

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10 DATED THIS 9<sup>th</sup> day of September 2014.

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13 MIRANDA M. DU  
14 UNITED STATES DISTRICT JUDGE  
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